

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERROD L. HERNDON,

Plaintiff,

v.

OFFICER SMITH, et al.,

Defendant(s).

Case No. [24-cv-01359-CRB](#) (PR)

**ORDER TO SHOW CAUSE**

On March 7, 2024, plaintiff, a former state prisoner currently living in San Rafael, California and a frequent litigant in this court, filed a pro se complaint under 42 U.S.C. § 1983 against several officers and employees of the Novato Police Department summarily alleging that “the police has harassed me in the community for the past 8 years.” ECF No. 1 (Compl.) at 3. Plaintiff also paid the requisite \$405.00 filing fee.

Because plaintiff is not a prisoner and is not proceeding in forma pauperis (IFP) under 28 U.S.C. § 1915, his complaint is not subject to screening under 28 U.S.C. § 1915A or § 1915(e). But this also means that plaintiff is responsible for serving the named defendants.

Under Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” There is no indication that plaintiff has served any of the named defendants in this action. Good cause appearing therefor, plaintiff is ORDERED TO SHOW CAUSE, within 14 days of this order, why this action should not be dismissed without prejudice for failure to serve the named defendants within 90 days.

**IT IS SO ORDERED.**

Dated: July 1, 2024

  
CHARLES R. BREYER  
United States District Judge